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APR 25 2008

In re Application of :
William R. Wilson, et al :
Application No. 10/790,943 : **DECISION ON PETITION**
Filed: March 2, 2004 :
Attorney Docket No. 87792.355006 US1 :

This is a decision on the renewed petition filed October 31, 2007, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed October 11, 2007 be withdrawn.


The petition is **GRANTED**.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been cancelled to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Specifically, the petitioner has eliminated antimetabolites as an option in the recited Markush group. The examiner agrees with petitioner that antimetabolites and topoisomerase I inhibitors belong to different classes of compounds, having distinct mechanisms of action, and are thus not obvious over each other.

Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to Thurman K. Page at (571) - 272-0602.

This application has been forwarded to TC1600 for further processing.


Thurman K. Page
Petitions Examiner
Office of Petitions